

REMARKS

In the present Amendment, the title has been amended to be more descriptive. Support for the amendment is found, for example, at page 9, lines 4-6 of the specification. Claims 1 and 6 have been amended to incorporate the subject matter of claims 3 and 8, respectively. Claims 3 and 8 have been cancelled accordingly. In addition, claims 1 and 6 have been amended to insert “group III nitride” before “semiconductor multilayer film” on lines 8 and 9, respectively, for proper antecedent basis. Claims 22-25 have been cancelled without prejudice or disclaimer. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1, 2, 4, 6, 7, 9 and 11 will be pending.

In paragraph 2 of the Action, a new title is required that is clearly indicative of the invention to which the claims are directed.

As noted, the title has been amended to be more descriptive. Accordingly, withdrawal of the objection to the title is requested.

In paragraph 3 of the Action, claims 1, 6, 22 and 24 are objected to because, per the Examiner, on line 8 of claims 1 and 22, and on line 9 of claims 6 and 24, “group III nitride” should be inserted before “semiconductor multilayer film.”

Claims 1 and 6 have been amended to address the Examiner’s concern. Claims 22 and 24 have been cancelled. Accordingly, withdrawal of the objection to claims 1 and 6 is requested.

In paragraph 5 of the Action, claims 22 and 24 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

In paragraph 7 of the Action, claims 22 and 24 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claims 22 and 24 have been cancelled, rendering the above two § 112 rejections moot.

In paragraph 9 of the Action, claims 1-4, 6-9, 11, 22 and 24 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kim et al (US 2003/0067953) in view of Motoki et al (US 2003/0145783).

Applicants submit that this rejection should be withdrawn because Kim et al and Motoki et al do not disclose or render obvious the present invention, either alone or in combination.

Present independent claims 1 and 6 as amended recite that the mask has a polycrystalline material deposited on the surface thereof and voids are formed on the surface of the mask having the polycrystalline material.

According to the present claimed invention, dislocations that develop in the vicinity of the mask due to residual strain on a low dislocation substrate can be effectively suppressed by depositing a polycrystalline material on the surface of the mask. See, for example, page 7, line 8 to page 8, line 5 of the specification. Further, it is possible to reduce the crystal strain still more effectively by the action of the voids on the mask. See, for example, page 10, lines 18-21 of the specification. The term “void” in the present invention means a space on the surface of the mask. See, for example, Example 1 at page 13, lines 6-8, and Example 2 at page 15, lines 6-7 of the specification.

However, Kim et al and Motoki et al do not teach or suggest forming voids on the mask to suppress dislocations.

Kim et al teaches depositing a polycrystalline material on the mask for maximizing current and optical constraint effects ([0037]). Therefore, it is not possible to form voids that are effective in suppressing dislocations on the mask in Kim et al.

Motoki et al teaches that vacancies (voluminous defects in voluminous defect accumulating regions) are formed on a surface of a mask having a polycrystalline material.

However, Motoki et al's vacancies are formed by gathering dislocations on the surface of the mask, and are not "voids." "Voids" on the surface of the mask are not disclosed in Motoki et al.

Accordingly, the present claims are not obvious and are patentable over Kim et al and Motoki et al, either alone or in combination.

In view of the above, reconsideration and withdrawal of the §103(a) rejection based on Kim et al in view of Motoki et al are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

Hui Chen Wauters
Hui C. Wauters
Registration No. 57,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 3, 2010